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6 Attorneys for Defendant
Mr. Kinney
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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) Case No. 2:23cr318-TLN
11)
Plaintiff,) **STIPULATION AND ORDER TO CONTINUE**
12) **STATUS HEARING AND EXCLUDE TIME**
vs.)
13) Date: July 11, 2024
JOSEPH PAUL HERRERA) Time: 9:30 a.m.
14 KINNEY,) Judge: Hon. Troy L. Nunley
15)
Defendant.)

16 IT IS HEREBY STIPULATED and agreed by and between United States Attorney
17 Phillip A. Talbert, through Assistant United States Attorney Justin Lee, counsel for Plaintiff, and
18 Federal Defender Heather Williams, through Assistant Federal Defender Hootan
19 Baigmohammadi, counsel for Defendant Joseph Paul Herrera Kinney, that the previously
20 scheduled Status Hearing set for July 11, 2024 be continued to September 19, 2024 at 9:30 a.m.

21 The parties specifically stipulate as follows:

- 22 1. The government filed an indictment in this case on December 14, 2023.
- 23 2. By previous order, the Status Hearing is currently scheduled for July 11, 2024 at
24 9:30 a.m. Time has been ordered excluded through that date.
- 25 3. Mr. Kinney respectfully requests that the Court continue the Status Hearing to
26 September 19, 2024 at 9:30 a.m.
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4. The government has produced approximately 1400 pages of discovery and various audio/video files.
5. Defense counsel's schedule has been consumed by another case for the past few months that culminated in a 1.5-week trial in Washington D.C. in late June 2024.
6. For the above reasons, Mr. Kinney requires additional time to review the discovery; investigate and research possible defenses; research potential pretrial motions; explore potential resolutions to the case; and otherwise prepare for trial.
7. Mr. Kinney believes that failure to grant his motion would deny him the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.
8. The government does not object to Mr. Kinney's motion.
9. For the purpose of computing time under 18 U.S.C. § 3161 *et seq.* (Speedy Trial Act), the parties request that the time period between July 11, 2024 and September 19, 2024, inclusive, be deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv) (Local Code T4), because it would result from a continuance granted by the Court at the defense's request, based on a finding that the ends of justice served by granting the continuance outweighs the best interest of the public and Mr. Kinney in a speedy trial.

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Respectfully submitted,

HEATHER E. WILLIAMS
Federal Defender

Date: July 8, 2024

/s/ Hootan Baigmohammadi
HOOTAN BAIGMOHAMMADI
Assistant Federal Defender
Attorneys for Defendant
Mr. Kinney

Date: July 8, 2024

PHILLIP A. TALBERT
United States Attorney

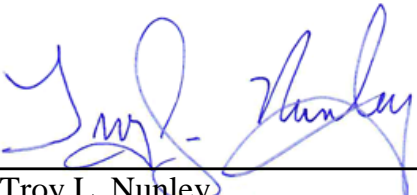
/s/ Justin Lee
JUSTIN LEE
Assistant United States Attorney
Attorneys for Plaintiff

ORDER

The Court, having received and considered the parties' stipulation, and good cause appearing therefrom, adopts the parties' stipulation in its entirety as its order.

IT IS SO ORDERED.

Dated: July 8, 2024



Troy L. Nunley
United States District Judge